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Montana School Guidelines for Identification and Reporting Child Abuse and/or Neglect

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Thank you.

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Introduction

Fathers, mothers, and those entrusted with the care of children should love and protect them.

- But* Sometimes they don't.
Sometimes they batter and beat them.
Sometimes they warp and twist their minds.
Sometimes they enslave them in fear.
Sometimes they attack them sexually.
Sometimes they even kill them.
- And* Sometimes society stands by and lets it happen because we don't want to get involved.
- Or* We don't know when or whom to call.

Children are our most precious resource.

They are our dreams and hopes.

They are our tomorrow.

They will reflect their childhood as adults.

You can help replace the hate, hurt, and fear of the abusive parent with love, understanding, and security by taking an active role. Child abuse and neglect must be discovered and reported before the child can be protected and there is general agreement that the number of cases reported do not belong with the majority. For an individual who comes into contact with an abused or neglected child, an important element in defining abuse and neglect is that persons' subjective reaction. An individual's subjectivity is influenced by a variety of factors, including cultural values, personal values, and professional training.

Montana State Laws Relating to Child Abuse and/or Neglect

Montana Session Laws 1979

Chapter No. 543

Effective July 1, 1979

The Child Abuse, Neglect and Dependency Laws are more inclusive than stated below. Only some of the sections pertinent to reporting child abuse and/or neglect cases are referred to.

41-3-101. Declaration of policy. Subsection (1) It is hereby declared to be the policy of the state of Montana to: (a) insure that all youth are afforded an adequate physical and emotional environment to promote normal development; (b) compel in proper cases the parent or guardian of a youth to perform the moral and legal duty owed to the youth; (c) achieve these purposes in a family environment whenever possible; and (d) preserve the unity and welfare of the family whenever possible.

Subsection (2) It is the policy of this state to provide for the protection of children whose health and welfare are or may be adversely affected and further threatened by the conduct of those responsible for their care and protection. It is intended that the mandatory reporting of such cases by professional people will prevent further abuses, protect and enhance the welfare of these children and preserve family life whenever appropriate.

41-3-102. Definitions. Subsection (1) "Child" or "youth" means any person under 18 years of age.

Subsection (2) An "abused or neglected child" means a child whose normal physical or mental health or welfare is harmed to threatened with harm by the acts or omissions of his parent or other person responsible for his welfare.

41-3-201. Reports. Subsection (1) When professionals and officials listed in subsection (2) know or have reasonable cause to suspect that a child known to them in their professional or official capacity is an abused or neglected child, they shall report the matter promptly to the department of social and rehabilitative services, which then shall notify the county attorney of the county where the child resides.

Subsection (2) Professionals and officials required to report are: (d) school teachers, other school officials, and employees who work during regular school hours.

Reporting Procedure

Reporting is the essential step in obtaining help for both the parent and the child. Reporting procedures within your school may be established. The public health nurse who is working with your school will be of assistance. However, if any school staff member has **reasonable cause to suspect** that a child is being abused or neglected, it remains that individual's obligation to see that the situation is reported. The presence of "serious injury or injuries" is no longer a requisite for reporting.

41-3-203. Immunity from Liability. Persons in the state of Montana who report suspected child abuse and neglect in good faith are immune from civil liability and/or criminal penalty.

41-3-207. Penalty for Failure to Report. Any person who fails to report or who prevents another person from reasonably doing so is civilly liable for the damages proximately caused by such failure or prevention.

School personnel shall report any suspected child abuse case promptly by phone to the County Welfare Department.

When reporting a case provide the following information to help expedite the investigative process.

Reporting Information

The following information must be provided to:

The County Welfare Department of Social Services.

Phone: Listed under County Welfare Department in Appendix A.

Child's Name: _____ Age _____

Address: _____

Parent's(s) Name(s): _____

Address: _____

Nature and extent of the injury or condition observed _____

Physical indicators observed _____

Behavioral indicators observed _____

Other indicators observed/known _____

Other significant information (how urgent, if parents work, etc.) _____

Any evidence of previous injury to other family members _____

Is family aware of report being made? _____

If Yes, reaction _____

If No, may we use your name? _____

Name and position _____

Date of Report _____

A written report may be mailed to the Department of Social and Rehabilitation Services as a follow-up, but it is not necessary. *Please remember: a report of suspected maltreatment is not an accusation, but a request for the process of help to begin.*

All records concerning reports of child abuse and neglect shall be kept confidential and may be utilized by Interagency Interdisciplinary Child Protective Teams as authorized by:

41-3-205. Confidentiality. Subsection (2) Records may be used by interagency interdisciplinary child protective teams as authorized under 41-3-108 for the purposes of assessing the needs of the child and family, formulating a treatment plan, and monitoring the plan. Members of the team are required to keep information about the subject individuals confidential.

Educators who have had a previous unfortunate experience when reporting suspected child abuse may be reluctant to become involved a second time. They may have personal feelings that the case was not followed through or that it was not handled to their satisfaction. But *a previous unfortunate experience does not mean the same consequences for future cases.* The community is providing more resources and staff to handle the rising number of child abuse and neglect cases. *If an incident of suspected child abuse and neglect is reported, some action will be taken. At the very least, a record of the report will be made, the educator's legal obligation will be fulfilled, and the investigative process will have begun. On the other hand, if one fails to make a report, it is certain that nothing will be done to help the child.*

Why Should Educators be Involved?

"Because the school system is the most comprehensive social resource for the total growth of a child, educators are a major factor in assisting abused and neglected children and their families," according to C.D. Jones and Phil Fox in an article for the Education Commission of the States. Yet in terms of reporting child abuse, statistics show that Montana schools have not done their share.

Recent research indicates that more than half of the abused and neglected children in America are of school age. A child may have been abused prior to school entrance but the situation may not have come to anyone's attention until the child enters school. For this reason, school personnel must take an active role in the reporting of child abuse and neglect cases. Moreover, since schools are the only places where children are seen daily over periods of time by professionals trained to observe their appearance and behavior, school staff persons have an opportunity to compare and contrast unusual behavior to behavior considered to be the norm. Therefore, educators are in a unique position to help those children, their families, child protective services, and the community in overcoming the effects of child abuse and neglect.

The Extent of Child Abuse and/or Neglect

The National Center on Child Abuse and Neglect estimates that approximately one million children are maltreated by their parents each year. Of the million, approximately one in four will suffer permanent physical impairment. As many as 100,000 to 200,000 children are physically abused, 60,000 to 100,000 are sexually abused, and the remainder are neglected. Each year more than 2,000 children die in circumstances suggestive of abuse or neglect.

Because child abuse and neglect usually occur within the privacy of the home, no one knows exactly how many children are affected. However, it is the belief that for every case of suspected child abuse reported to authorities three go unreported.

Montana State Statistics

Records from the State Department of Social and Rehabilitation Services show that during the nine month period from September 1, 1979 through June 1, 1980 the number of children investigated within the state of Montana because of possible child abuse or neglect was approximately 2,800. The number of children who received follow-up services because of the danger of or actual instances of child abuse or neglect was approximately 3,000 for the same nine month period. The reports are submitted to the state office on a quarterly basis.

Upon receipt of a report, a social worker conducts a thorough investigation into the circumstances surrounding the child's injury. When it is determined that the child does suffer neglect or abuse, the county department provides protective services to the child and to any other child under the same care. Continued services which are provided to the families include intervention and treatment from various social agencies, school personnel, and medical personnel.

Recognizing Child Abuse and/or Neglect

Each form of child abuse and neglect—physical abuse, neglect, sexual abuse, and emotional maltreatment—can be found among school-age children. Sensitive educators can often identify a particular type of maltreatment through the child's appearance and/or behavior at school or during routine interviews with parent(s) or child. Physical and behavioral indicators, as well as academic clues can provide some evidence of possible maltreatment.

Physical indicators of child abuse and neglect are usually readily observable. They may be mild or severe, but they involve the child's physical appearance. Frequently, physical indicators are skin or bone injuries, or evidence of lack of care and attention manifested in conditions such as malnutrition.

Educators are trained observers of children's behavior. They are sensitive to the range of behavior expected of children of a given age group, and they are quick to notice behaviors which fall outside this range. Particularly for the educator, behavior can often be a clue to the presence of child abuse and neglect. Behavioral indicators may exist alone or may accompany physical indicators. They range from subtle clues, a "sixth sense" that something is amiss, to graphic statements by children that they have been somehow maltreated.

Physical and behavioral indicators are displayed in Charts I, II, and III on pages 12, 13, and 14. The list is not exhaustive; many more indicators exist than can be included. *Neither does the presence of a single indicator prove that maltreatment exists. However, the repeated presence of an indicator, the presence of several indicators in combination, or the appearance of serious injury should alert the educator to the possibility that a case of child abuse and/or neglect is present.*

Physical Abuse

Definition: Physical abuse of children includes any non-accidental physical injury caused by the child's caretaker. It may include burning, beating, branding, punching and so on. By definition the injury is not an accident. But neither is it necessarily the intent of the child's caretaker to injure the child. Physical abuse may result from overdiscipline or from punishment which is inappropriately harsh considering the child's age or offense.

Physical Indicators

Physical indicators of physical abuse in the school-age child include:

- ***Unexplained bruises and welts***

- on the face, lips, or mouth

- on large areas of the torso, back, buttocks or thighs

- on several different surface areas (may indicate the child has been hit from different directions)

- in various stages of healing (e.g., bruises of different colors, or old and new scars together)

- clustered, forming regular patterns, or reflective of the article used to inflict them (electrical cord; belt buckle, etc.)

- regularly noted as fading marks when the child returns to school after an absence, weekend, or vacation.

- *Unexplained burns*

- cigar or cigarette burns, especially on the soles of the feet, palms of the hands, back or buttocks

- immersion or “wet” burns, including glove or sock-line burns and doughnut-shaped burns on the buttocks or genitalia

- patterned or “dry” burns which show a clearly defined mark left by the instrument used to inflict them (e.g., electric burner, iron)

- rope burns on the arms, legs, neck or torso

- *Unexplained fractures*

- to the skull, nose, or facial structure

- in various stages of healing (indicating they occurred at different times)

- multiple or spiral fractures

- swollen or tender limbs

- any fracture in a child under the age of two.

- *Unexplained lacerations and abrasions*

- to the mouth, lips, gums or eyes

- to the external genitalia

- on the backs of the arms, legs, or torso

- *Unexplained abdominal injuries*

- swelling of the abdomen

- localized tenderness in the abdominal area

- constant vomiting

- *Human bite marks*, especially when they appear to be adult size or are recurrent.

Behavioral Indicators

Behavior can also be a clue to the presence of child abuse and neglect. It may be the only clue, especially in an adolescent. Abused and neglected children may demonstrate certain "characteristic" behavior which can be spotted by the "sensitive" educator. These behavioral indicators may exist independently of or in conjunction with physical ones.

Some of the behaviors which may be associated with physical abuse include the child who:

- is wary of physical contact with adults. In the classroom, most children accept physical closeness to a teacher. The abused child will often avoid it, sometimes even shrinking at the touch or approach of an adult.
- becomes apprehensive when other children cry.
- demonstrates extremes in behavior (e.g., aggressiveness or withdrawal) or behavior which lies outside the range expected for the child's age group.
- seems frightened of the parents (e.g., states he/she is afraid to go home, cries when it is time to leave, or is frightened when parents are mentioned.)
- reports injury by a parent.

Neglect

Definition: Neglect involves inattention to the basic needs of a child; i.e., food, clothing, shelter, medical care, and supervision. While physical abuse tends to be episodic, neglect tends to be chronic. When considering the possibility of neglect, it is important to note the *consistency* of indicators and to consider the following:

- Do they occur rarely, or frequently?
- Are they chronic (there most of the time), periodic (noticeable after weekends or absences), or episodic (seen twice this semester when there was illness in the family)?
- In a given community or subpopulation, do all the children display these indicators, or only a few?
- Is this culturally acceptable child-rearing, a different life-style, or true neglect?

Answers to questions like these can be extremely helpful in differentiating between neglect and different life styles or cultures.

Physical Indicators

Physical indicators of neglect may include:

- constant hunger, poor hygiene, or inappropriate clothing.
- consistent lack of supervision, especially when engaged in dangerous activities or over extended periods of time (observed outside the classroom).
- constant fatigue or listlessness (constantly falls asleep in class).
- unattended physical problems or medical needs, such as untreated or infected wounds.
- abandonment.

Behavioral Indicators

Behavioral indicators of neglect may include the child who:

- is begging or stealing food.
- rarely attends school.
- comes to school very early and leaves very late.
- is addicted to alcohol or other drugs.
- is engaging in delinquent acts such as vandalism or theft.
- states that there is no one to care for or look after him/her.

Sexual Abuse

Defintion: Sexual abuse includes any contacts or interactions between a child and an adult where the child is being used for the sexual stimulation of the perpetrator or another person. Sexual abuse may also involve a person under the age of 18 when that person is either significantly older than the victim or when that person is in a position of power or control over the victim.

Sexual abuse by strangers usually occurs only once, and then most frequently in the warm weather months, and usually in a public place. In contrast, sexual abuse by family members or acquaintances is most likely to occur in the home of the victim or the perpetrator, and is usually repeated over a period of time.

While there are cases of sexual abuse by adult women, the overwhelming majority of perpetrators are men. Girls are *reported* abused at a much higher rate than boys, and although victims have been found to be as young as four months old, the average age of the victim is between 11 and 14 years of age.

Physical Indicators

Sexual abuse is not often discovered in a school setting through physical indicators *alone*. Frequently, a child confides in a trusted teacher, counselor, or nurse; that may be the first sign that sexual abuse is occurring.

However, there are some physical signs of sexual abuse, including:

- difficulty in walking or sitting.
- torn, stained, or bloody underclothing.
- complaints of pain or itching in the genital area.
- bruises or bleeding in external genitalia, vaginal or anal area.
- venereal disease, particularly in a child under 13.
- pregnancy, especially in early adolescence.

Behavioral Indicators

The sexually abused child may:

- appear withdrawn; engage in fantasy or infantile behavior; even appear retarded.
- have poor peer relationships (e.g., fighting, no friends).
- be unwilling to change for gym or to participate in physical activities.
- engage in delinquent acts, or run away.
- display bizarre, sophisticated, or unusual sexual knowledge or behavior.
- state he/she has been sexually assaulted by a caretaker.

Emotional Maltreatment

Definition: Emotional maltreatment may include blaming, belittling or rejecting a child; constantly treating siblings unequally; and persistent lack of concern by the caretaker for the child's welfare. While emotional maltreatment does occur alone, it often accompanies physical abuse and sometimes sexual abuse. Emotionally maltreated children are not always physically abused. But physically abused children are almost always emotionally maltreated as well. Emotional maltreatment is rarely manifest in physical signs, particularly in the school setting.

However, some physical indicators of emotional maltreatment may include: speech disorders, lags in physical development, and failure-to-thrive syndrome (which is a progressive wasting away usually associated with lack of mothering). More often emotional maltreatment is observed through behavioral indicators, and even these indicators may not be immediately apparent.

Behavioral Indicators

The emotionally maltreated child may demonstrate the following behavioral characteristics:

- *habit disorders* such as sucking, biting, rocking, enuresis, or feeding disorders.
- *conduct disorders* including withdrawal and anti-social behavior such as destructiveness, cruelty and stealing.
- *neurotic traits* such as sleep disorders and inhibition of play.
- *psychoneurotic reactions* including hysteria, obsession, compulsion, phobias and hypochondria.
- *behavior extremes* such as appearing overly compliant, extremely passive; or aggressive, very demanding or undemanding
- *overly adaptive* behaviors which are either inappropriately adult (e.g., parenting other children) or inappropriately infantile (e.g., rocking, head-banging, or thumbsucking).
- *lags* in emotional and intellectual development.
- *attempted suicide*.

The behavior of emotionally maltreated and emotionally disturbed children is similar. However, parental behavior can help to distinguish disturbance from maltreatment. The parents of an emotionally disturbed child generally accept the existence of a problem. They are concerned about the child's welfare and are actively seeking help. The parents of an emotionally maltreated child often blame the child for the problem (or ignore its existence), refuse all offers of help, and are generally unconcerned about the child's welfare.

CHART I
*Physical and Behavioral Indicators
of Child Abuse and/or Neglect*

TYPE	PHYSICAL INDICATORS	BEHAVIORAL INDICATORS
Physical Abuse	<p>Unexplained Bruises and Welts:</p> <ul style="list-style-type: none"> —on face, lips, mouth —on torso, back, buttocks, thighs —in various stages of healing —clustered, forming regular patterns —reflecting shape of article used to inflict (electric cord, belt buckle) —on several different surface areas —regularly appear after absence, weekend, or vacation <p>Unexplained Burns:</p> <ul style="list-style-type: none"> —cigar, cigarette burns, especially on soles, palms, back, or buttocks —immersion burns (sock-like, glove-like, doughnut shaped on buttocks or genitalia) —patterned like electric burner, iron, etc. —rope burns on arms, legs, neck or torso <p>Unexplained Fractures:</p> <ul style="list-style-type: none"> —to skull, nose, facial structure —in various stages of healing —multiple or spiral fractures <p>Unexplained Lacerations or Abrasions:</p> <ul style="list-style-type: none"> —to mouth, lips, gums, eyes —to external genitalia 	<p>Wary of Adult Contacts</p> <p>Apprehensive When Other Children Cry</p> <p>Behavioral Extremes:</p> <ul style="list-style-type: none"> —aggressiveness, or —withdrawal <p>Afraid to go home</p> <p>Reports Injury by Parents</p>

CHART II
*Physical and Behavioral Indicators
of Child Abuse and/or Neglect*

<i>TYPE</i>	<i>PHYSICAL INDICATORS</i>	<i>BEHAVIORAL INDICATORS</i>
Physical Neglect	<p>Consistent Hunger, Poor Hygiene, Inappropriate Dress</p> <p>Consistent Lack of Supervision, Especially in Dangerous Activities or Long Periods</p> <p>Unattended Physical Problems or Medical Needs</p> <p>Abandonment</p>	<p>Begging, Stealing Food</p> <p>Extended Stays at School (early arrival and late departure)</p> <p>Constant Fatigue; Listlessness or Falling Asleep in Class</p> <p>Alcohol or Drug Abuse</p> <p>Delinquency (e.g. thefts)</p> <p>States There is no Caretaker</p>
Sexual Abuse	<p>Difficulty in Walking or Sitting</p> <p>Torn, Stained or Bloody Underclothing</p> <p>Pain or Itching in Genital Area</p> <p>Bruises or Bleeding in External Genitalia, Vaginal or Anal Areas</p> <p>Veneral Disease, Especially in Pre-teens</p> <p>Pregnancy</p>	<p>Unwilling to Change for Gym or Participate in Physical Education Class</p> <p>Withdrawal, Fantasy or Infantile Behavior</p> <p>Bizarre, Sophisticated, or Unusual Sexual Behavior or Knowledge</p> <p>Poor Peer Relationships</p> <p>Delinquent or Run Away</p> <p>Reports Sexual Assault by Caretaker</p>

CHART III

Physical and Behavioral Indicators of Child Abuse and/or Neglect

TYPE	PHYSICAL INDICATORS	BEHAVIORAL INDICATORS
Emotional Mal- treatment	Speech Disorders Lags in Physical Development Failure-to-thrive	Habit Disorders (sucking, biting, rocking, etc.) Conduct Disorders (antisocial, destructive, etc.) Neurotic Traits (sleep disorders, inhibition of play) Psychoneurotic Reactions (hysteria, obsession, compulsion, phobias, hypochondria) Behavior Extremes: —complaint, passive, —aggressive, demanding Overly Adaptive Behavior: —inappropriately adult —inappropriately infant Developmental Lags (mental, emotional) Attempted Suicide

Who Are the Child Abusers?

A child abuser is most often a parent or a caretaker. He or she can be found in any and all cultural, ethnic, occupational, and socio-economic groups. The abuser could be a family member, a friend, a peer, a stranger, or a teacher.

Research on child abusers has revealed the following:

- Only a small number of child abusers are psychotic or psychopathic.
- *Reported molestations are committed most often by family or friends of the victim.*
- Child abuse is reported to be a conditioned behavior; people who have had poor parent models tend to be poor parents themselves.
- Reported incidents of physical abuse by mother or father are close to equal in number.
- Reports indicate child abusers tend to repeat the abuse, and the frequency and severity of the abuse tends to increase.
- A poor self-image and lack of self-confidence is characteristic of child abusers.
- Abusing parents and caretakers are often experiencing marital or emotional conflicts. The abuse of alcohol and/or drugs is common.
- Abusing parents often reverse roles with their children. Parents express unrealistic high expectations of their children, demand love but have difficulty in providing the emotional necessities for their children.
- Child abuse is seldom the result of any single factor. Most families will experience a combination of problems and negative situational factors (i.e. housing conditions, financial circumstances, degree of social contact, employment conditions). Child abuse often stems from the family's inability to cope with these problems.

School personnel will be better able to fulfill the responsibility of identifying and reporting suspected child abuse/neglect if all temptation to stereotype child abusers is avoided.

Treatment

Persons reporting child abuse often inquire about what steps will be taken to deal with the injured child and the family. Also, feelings of guilt or even fear of harm are sometimes expressed because of having made a report. Such concerns are often due to an assumption that the report will bring about punishment. However, *the main goal is to keep the family together, through remediation and not punishment.* The removal of the child from the parents' custody is recommended only when the child cannot be protected as the child is in immediate and severe danger. If this situation is present, the county welfare department *can* petition the District Court for the removal of the child from the home. During this time, the child will be placed in a foster home and stipulations will be placed upon the parents. These stipulations may include medical examinations, psychological evaluations, participation in various treatment programs, and allowing a social worker the right to gain entry into the home. Treatment for abusive parents is primarily a process of learning new parenting skills. In times of crisis, parents need to be in communication with someone who is understanding and who has the ability to assist them in managing their lives in order that their children's lives will be more rewarding.

The primary purpose of child abuse and neglect laws is the protection of the child. If after repeated treatment programs, parents still seem to lack adequate motivation and/or the ability to raise their children, it then becomes necessary to protect the child's welfare by *permanently* removing the child from the home. This is accomplished through a court hearing to ensure that the legal rights of all parties are represented. Termination of parental rights makes it possible for the child to be placed for adoption.

Termination of parental right should be the last resort after all previous efforts to help the parents have been exhausted.

Appendix A

County Welfare Departments

County	County Seat	Phone No.
1. Beaverhead	Dillon	683-2142
2. Big Horn	Hardin	665-1907
3. Blaine	Chinook	357-2276
4. Broadwater	Townsend	266-3447
5. Carbon	Red Lodge	446-1302
6. Carter	Ekalaka	775-8751
7. Cascade	Great Falls	761-6605
8. Chouteau	Fort Benton	622-5432
9. Custer	Miles City	232-1247
10. Daniels	Scobey	487-2721
11. Dawson	Glendive	365-4314
12. Deer Lodge	Anaconda	563-3448
13. Fallon	Baker	778-2512
14. Fergus	Lewistown	538-7468
15. Flathead	Kalispell	775-5300
16. Gallatin	Bozeman	587-3193
17. Garfield	Jordan	557-2297
18. Glacier	Cut Bank	873-5534
	Browning	338-5131
19. Golden Valley	Ryegate	568-2231
20. Granite	Philipsburg	859-3671
21. Hill	Havre	265-4348
22. Jefferson	Boulder	225-3327
23. Judith Basin	Stanford	566-2461
24. Lake	Polson	883-5211
25. Lewis & Clark	Helena	442-2020
26. Liberty	Chester	334-3841
27. Lincoln	Libby	293-7781
	Eureka	296-2722
28. Madison	Virginia City	843-5361
29. McCone	Circle	485-3425
30. Meagher	White Sulphur Spr.	547-3752
31. Mineral	Superior	822-4551
32. Missoula	Missoula	728-7210
33. Musselshell	Roundup	323-2101
34. Park	Livingston	222-1173
35. Petroleum	Winnett	429-5311

County Welfare Departments

County	County Seat	Phone No.
36. Phillips	Malta	654-2252
37. Pondera	Conrad	278-5222
38. Powder River	Broadus	436-2621
39. Powell	Deer Lodge	846-1092
40. Prairie	Terry	637-5570
41. Ravalli	Hamilton	363-1944
42. Richland	Sidney	482-2015
43. Roosevelt	Wolf Point	653-1512
44. Rosebud	Forsyth	356-2563
	Lame Deer	477-6251
45. Sanders	Thompson Falls	827-3581
46. Sheridan	Plentywood	765-1370
47. Silver Bow	Butte	792-0436
48. Stillwater	Columbus	322-5331
49. Sweet Grass	Big Timber	932-2566
50. Teton	Choteau	466-5721
51. Toole	Shelby	434-5022
52. Treasure	Hysham	342-5547
53. Valley	Glasgow	654-2252
54. Wheatland	Harlowton	632-5611
55. Wibaux	Wibaux	795-2403
56. Yellowstone	Billings	248-1691

Appendix B

Outline for Developing School Policies and Procedures for Reporting Child Abuse and/or Neglect

- A. The following is the basic information which should be clearly defined in all school/district policies and procedures for reporting cases of child abuse or neglect:
1. A brief rationale for involving school personnel in reporting.
 2. The name and appropriate section numbers of the state reporting statute; whether or not there is immunity from civil liability and criminal penalty for those who report child abuse or neglect; the penalty for failure to report if established by state law; and any provision of the law regarding the confidentiality of records pertaining to reports of suspected abuse or neglect.
 3. A statement indicating school board and school district support for reporting child abuse and neglect.
 4. Who specifically is mandated to report by law.
 5. The exact language of the law defining reportable conditions (abuse and/or neglect). If necessary, explain and clarify the state definition.
 6. The person or agency to receive reports.
 7. The information required of the reporter.
 8. The action which will be taken by the school board for failure to report.
 9. Copy of form which must be used in filing child abuse or neglect reports.
- B. In addition, school districts may want to include in their reporting policies and procedures such additional information as:
1. Whether school employees reporting child abuse or neglect may inform parents of the action they have taken.
 2. Actions which the school district will take following reporting of suspected abuse or neglect to ensure feedback to the reporter on the findings of the investigation and any further action to be taken.
 3. The role of the schools in multidisciplinary community efforts to provide service to abused and neglected children and their families.
 4. The school district's policy regarding corporal punishment as a form of discipline.
 5. The schools' role in providing parent training, public awareness programs or other activities devoted to preventing child abuse and neglect.
 6. Other community resources which the schools can draw on in responding to child abuse or neglect cases.
 7. Any special instructions regarding removal of children from school by policy or other agency with responsibility for placing children in protective custody.

Appendix C

Child Abuse Kiwanis-Shodair Help Line

1-800-332-6100

(A 24 hour child abuse and neglect hot line for Montana)

Any individual who has reasonable cause to suspect that a child is being abused or neglected should call this number. It is not necessary to reveal your identity. The hot line is also a referral service to direct you to the appropriate agency within your community. They will encourage you to contact your county welfare department and will also send a referral letter to the department notifying them that a report has been made. In case of an emergency, they will act upon a call immediately.

Appendix D

Region 8

Child Abuse and Neglect Resource Center

Funded by the National Center on Child Abuse and Neglect, Children's Bureau, U.S.D.O.H.H.S., Washington, D.C. (Resource Center available to individuals for information on child abuse and neglect.)

Resource Staff

Donald C. Bross, J.D., Ph.D.—Project Director

Marilyn Lenherr and Joan Senzek Solheim—Educational Coordinators

Candace Grosz and Gay Deitrich—Information Specialists

Other staff available for consultation

Call toll free 1-800-525-0246

Region 8 Resource Center, 1205 Oneida, Denver, Colorado 80220

The following five tasks as set by NCCAN provide the focus for services:

Task I *Act as regional library and disseminate information.* Publications and quarterly newsletter distributed. Audio-visual and written materials loaned.

Task II *Facilitate interstate sharing and planning.* Regular meetings held for Regional Steering Committee. Assistance to state and regional conferences. Interstate technical assistance arranged.

Task III *Assist training programs.* Technical assistance regarding planning and presentation of training for the many disciplines working in child abuse and neglect services. On-site visits to aid program development. Priority given to persons addressing linguistic and cultural minorities.

Task IV *Implementation of Region-specific sub-objectives.* Activities outlined to address individual state needs. Currently include developing plans for multidisciplinary training, prevention services, public awareness education, sexual abuse treatment programs, evaluation and implementation of legislation, technical assistance regarding supervision and child protection teams, and increasing information regarding the Indian Child Welfare Act.

Task V *Case Consultation.* Profession-specific, cross-profession or team consultation regarding specific kinds of child abuse and neglect or various stages of case management.

Appendix E

Education Commission of the States

300 Lincoln Tower—1860 Lincoln Street
(303) 861-4917—Denver, Colorado 80295

March 1979

Status Report:

Child Abuse and Neglect Report Requirements The "Buckley Amendment" and the Public Schools

In 1974, the Family Educational Rights and Privacy Act of 1974, (FERPA) commonly referred to as the Buckley Amendment, was enacted. Final regulations concerning the act were published by the Department of Health, Education and Welfare on June 17, 1976. The purpose of the act is to protect students' rights to privacy and allow for the release of information contained in education reports only with parental consent, with several limited exceptions. Shortly after passage of the act, an issue was raised whether teachers or other school authorities who are required by state law to report suspected cases of child abuse and neglect would be jeopardizing the school's federal funding if they made such reports without consent of the student's parents.

This potential conflict between FERPA and state child abuse and neglect reporting laws was raised by the Education Commission of the States' Child Abuse and Neglect Project with the Secretary of the Department of Health, Education and Welfare and the House Committee on Education and Labor of the U.S. House of Representatives. It has been resolved favorably from the point of view of child abuse and neglect authorities.

Reports based on information obtained from education records may be disclosed without obtaining parental consent and without any liability in the following instances of special concern to child abuse authorities:

(1) Reports to state and local authorities required under state reporting laws passed prior to November 19, 1974, do not require parental consent to be released. State laws passed *after* November 19, 1974, are, however, not included in this exception. As of that date, approximately 31 states had child abuse and reporting statutes which required educational personnel to report suspected incidents. Under these circumstances there is no question that a written record may be released to social welfare and other protective services agencies without violating the act.

(2) In an emergency, school officials may release information to appropriate persons in order to protect the health or safety of the student. HEW has agreed that child abuse and neglect situations generally fall within this exception if the state definition of child abuse and neglect is limited to situations in which the child's health or safety is endangered. The occurrence of an incident of child abuse and neglect usually places the child in some form of an emergency with respect to that child's mental and physical health and safety. It has, therefore, been determined by HEW that the reporting of an incident of abuse and neglect pursuant to state statute (specifically those passed or amended after November 19, 1974) shall constitute an emergency for purposes of an exception under FERPA. Approximately eighteen states have amended their state reporting statutes since November 19, 1974, to expand their reporting categories to include educational personnel.

(3) A school may release personally identifiable information from education records in order to comply with a judicial order or lawfully issued subpoena.

(4) HEW maintains that many reports of suspected incidents of child abuse and neglect are made on the basis of the teacher's personal knowledge and observation which do not constitute education records. Since FERPA governs the release of information from educational records, such reports can readily be made to child abuse authorities.

During the Second Session of the 95th Congress, the Committee on Education and Labor of the U.S. House of Representatives considered expanding exception No. 1 to include child abuse and neglect statutes passed after November 19, 1974. The Committee declined to do so because it felt that such a change would establish a bad precedent and that the analysis and conclusions made by ECS and concurred in by HEW sufficiently reflected Congressional intent on this issue. The Committee did, however, reiterate the importance of allowing for good faith reporting in emergency situations by stating that in not amending the statute it:

"does so with the explicit understanding with the Fair Information Practices Staff that a good faith report of a suspected incident of child abuse or neglect pursuant to a State statute shall *ipso facto* constitute an emergency and the judgment of education personnel making such a report shall not be subject to a debate as to whether or not the emergency existed at the time a decision was required to be made." A Report on the Education Amendments of 1978, H.R. 15, pg. 143, Committee on Education and Labor, U.S. House of Representatives, 95th Congress, May 11, 1978.

Therefore, FERPA does not represent a conflict to compliance with the reporting requirements of most child abuse and neglect statutes.

For further information contact:

National Center for Educators in Child Welfare
Education Commission of the States
300 Lincoln Tower, 1860 Lincoln Street
Denver, Colorado 80295
(303) 861-4917

Statutory Reference: 20 U.S.C. 1232g

Regulatory Reference: 20 C.F.R. Part 99, Privacy Rights of Parents & Students

Appendix F

Sample School Policy on Child Abuse and/or Neglect

The Board of Trustees recognizing the potential harmful effects of child abuse and neglect, does hereby emphatically and enthusiastically support those sections within the Montana Criminal Act which are concerned with the reporting of suspected cases of child abuse and neglect.

Realizing the seriousness of child abuse and neglect, this Board required compliance of this law by all school teachers, school officials and other employees who work during regular school hours.

Any of the above-named employees who fail to report known or suspected cases of child abuse or neglect, or who prevent another person from reasonably doing so, are civilly liable for the damages approximately caused by such failure or prevention in accordance with 41-3-302, Section 15 of the M.C.A.

An *"abused or neglected child"* is a child whose normal physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of his/her parent or other persons responsible for his/her welfare.

"Harm to a child's health or welfare" means the harm that occurs whenever the parent or other person responsible for the child's welfare: (a) inflicts or allows to be inflicted upon the child physical or mental injury, including injuries sustained as a result of excessive corporal punishment; (b) commits or allows to be committed a sexual assault against the child or exploits the child or allows the child to be exploited for sexual purposes; (c) causes failure to thrive or otherwise fails to supply the child with adequate food or fails to supply clothing, shelter, education or health care, though financially able to do so or offered financial or other reasonable measure to do so; or (d) abandons the child by leaving him/her under circumstances that make reasonable the belief that the parent or other person does not intend to resume care of the child in the future.

This law provides for all records concerning reporting of child abuse or neglect to be confidential and immunity from any liability, civil, or criminal, that might otherwise be incurred or imposed, unless the person acted in bad faith or with malicious purpose.

When a teacher, school official, or other employee who works during regular school hours suspects child abuse or neglect, that person should immediately notify the respective principal. The principal will then notify social services and arrange for a conference with a social worker. The principal shall keep a written record containing the date and time of conference, personnel present, and any other information pertinent to the case.

Sample School Request for Investigative and Other Protective Actions

On the basis of my personal knowledge of the conditions affecting

Name _____ Address _____

I am requesting that the Social Services be contacted:

The conditions requiring this action are:

Date _____ Name _____

Address _____

Telephone No. _____

The below signed personnel met on _____ at _____
(date) (time)

at _____ to satisfy the requirements of
(place)

Section 41-3-201 of the MCA.

Name	Position
------	----------

Name	Position
------	----------

Name	Position
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Name	Position
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Action Taken:

Administrator

Bibliography

1. *Administrative Guidelines for Child Abuse Identification and Reporting*. Los Angeles: Office of the Los Angeles County Superintendent of Schools, 1978.

2. *Child Abuse & Neglect. A self-instructional text for Head Start Personnel*. Washington, D.C.: U.S. Department of HEW, 1977.

3. *The Educator's Role in the Prevention and Treatment of Child Abuse and Neglect*. Washington, D.C.: Department of Health, Education and Welfare, DHEW Publication No. (OHDS) 79-30172.

4. *Montana Code Annotated, 1979*. Sec. 41-3-101, M.C.A.; Sec. 41-3-201, M.C.A.; Sec. 41-3-202, M.C.A.; Sec. 41-3-203, M.C.A.; Sec. 41-3-205, M.C.A.; Sec. 41-3-207, M.C.A.; Sec. 41-3-402, M.C.A.

5. *Montana Day Care Center Handbook, 1977*. Rice, Sheila and Foessett, Roslyn.

6. *The Problem of the Abused and Neglected Child*. Information Pamphlet No. 8. California Department of Justice, Office of the Attorney General. October 1978.

7. *Resource Materials*. Washington, D.C. Department of Health, Education, and Welfare, DHEW Publication No. (OHDS) 79-30221.

8. *Specialized Training for Child Protective Service Workers*. Washington, D.C.: Department of Health, Education, and Welfare, DHEW Publication No. (OHDS) 79-30222.

